

Sumter City-County Board of Appeals

March 10, 2010

BOA-10-08, 237 Church Street (City)

I. THE REQUEST

Applicant: John B. Jackson, Jackson & Sims Architects

Status of the Applicant: Architect for Sumter Pediatrics

Request: A variance from the strict application of Article 8 of the Sumter City Zoning Ordinance, Parking Design and Improvement Standards

Location: 237 Church St.

Present Use/Zoning: Pediatric Clinic/General Commercial, Professional Office, Hampton Park Historic District, Highway Corridor Protection District (GC/PO/HP/HCDP)

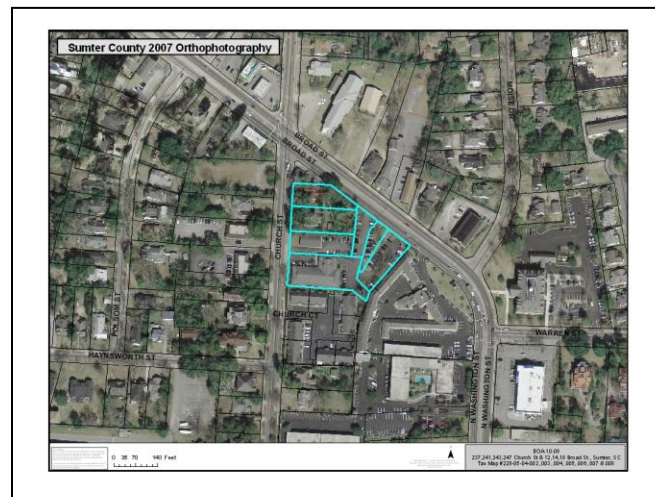
Tax Map Reference: 228-05-04-002,003,004,005,006,007 & 008

II. BACKGROUND

The applicant, John Jackson, is requesting multiple site development variances to allow for the construction of additional parking at the present site of the Sumter Pediatrics medical practice. The variances requested relate to landscape buffer yard widths, parking space dimensions, and drive aisle width requirements for parking lots.

As shown in the aerial photograph to the right, the Sumter Pediatrics property is comprised of seven (7) parcels, one of which is being leased. These parcels contain two medical office buildings, one +/- 1800 sq. ft. in size and the other +/- 8900 sq. ft. The property owners intend to combine the six (6) parcels under common ownership prior to implementation of this project.

Based on existing building sizes Sumter Pediatrics is required by Ordinance to have at minimum 72 parking spaces, currently the



practice has 63 parking spaces. There is insufficient parking at this time to accommodate the growing practice. The applicant hopes to alleviate this parking issue by providing as many new spaces as possible, for both office staff and clients.



As shown in the photograph above, the area proposed for new parking lot development is the site of several mature historic and significant trees. With the proposed construction the designer has gone to great efforts to avoid damaging or removing the existing historic and significant trees on this site. The site layout was designed to avoid damaging the trees, but has limited the use of the space to such an extent that many of the bufferyard widths, parking space dimensions and aisle widths have been necessarily compromised.

It should be noted that this property is influenced by two design overlay districts, 1) the Hampton Park Historic District overlay and 2) the Highway Corridor Protection District. The purpose of the Hampton Park Overlay is to promote the educational, cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing historic and architecturally valuable structures, properties, and neighborhoods which serve as a visible reminder of the historic of Sumter. As such, site development within the Hampton Park overlay should be reviewed with preservation in mind – this extends to the preservation of significant streetscapes and vegetation such as historic trees.

The purpose of the Highway Corridor Protection District is to promote development that is compatible with the function, capacity, and design of major arterial roadways, while remaining sensitive to the relationship of the roads to abutting residential, commercial, and industrial development. With this being said, preservation of historic and significant trees is also in keeping with the goals of the Highway Corridor in light of this location's relationship to the Hampton Park District and existing residential uses.

III. THE REQUEST

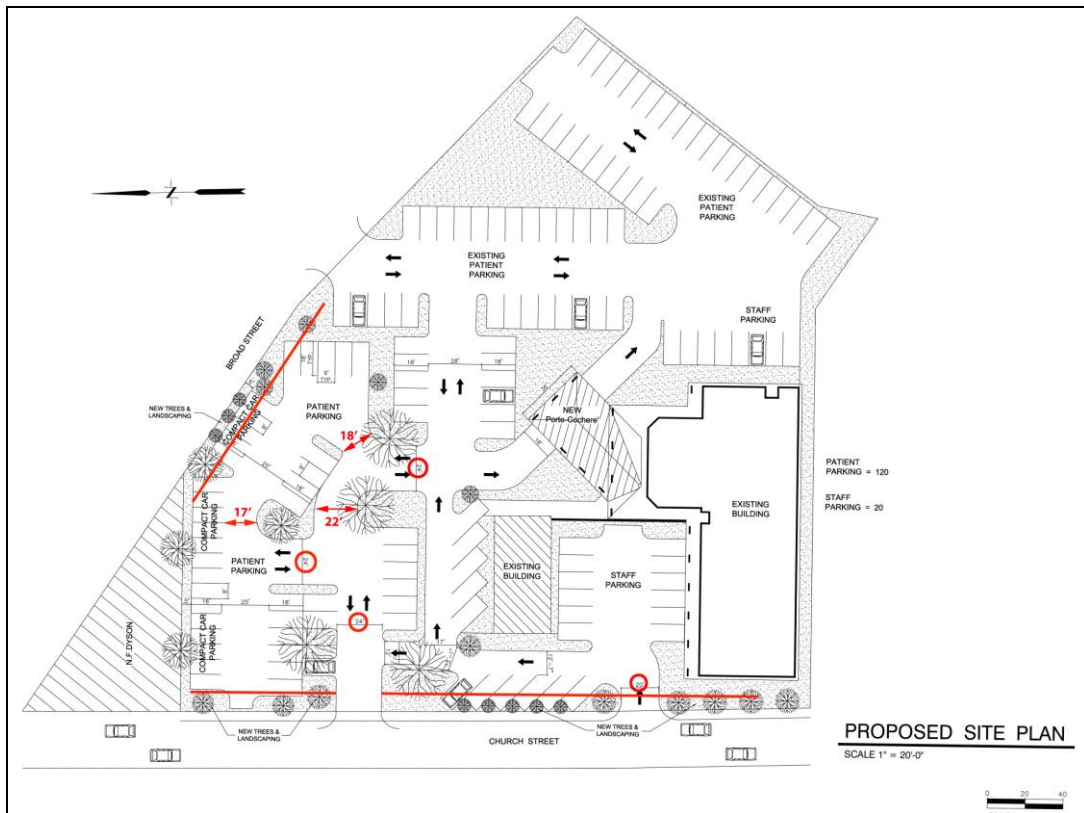
The applicant has submitted a site plan showing a proposed total of 118 paved parking spaces which includes the required number of handicap spaces. 25 parking spaces are designated as staff parking. Approximately 18 of the spaces are considered compact spaces, which is 16% of

the total parking area. The ordinance specifies no more than 20% of parking spaces can have compact dimensions. Site layout and parking dimensions are still being negotiated with the designer, and some of these compact spaces may be eliminated before final plat review in order to allow wider dimensions per space. A standard parking space has a dimension of no less than 9 ft. by 19 ft. A compact space has a dimension of no less than 8 ft. by 16 ft. Many of the parking spaces on this site will have the standard width of 9 ft., but may require a length of less than 19 ft. in order to accommodate driving lanes. The designer has gone to great lengths to accommodate the existing trees in this site plan, while still creating an attractive and sensible layout for the new parking area. Negotiation of the site layout will continue until final plan review, until a safe, logical and attractive parking layout has been achieved that also addressed preservation of the existing trees.

In accordance with Article 8, Sections 8.b.6, 8.d.7, and 8.j.3 normal site development requires the following:

- 10 ft. landscape strips along all street frontages and 5 ft. landscape bufferyards between properties.
 - Buffering shall provide a year-round visual screen to minimize adverse impacts and to insure high aesthetic standards of development. It may consist of fencing, trees, berms, landscaping or a combination thereof.
- Parking spaces – standard car off-street parking spaces shall be not less than 9 ft. x 19ft., and compact car spaces shall not be less than 8 ft. x 16 ft.
- Drive aisle widths – Providing direct access to individual parking spaces shall be in accordance with the following: 30° spaces shall have a 12 ft. aisle width; 45° spaces shall have a 13 ft. aisle width; 60° spaces shall have an 18 ft. drive aisle width; 90° spaces shall have a 25 ft. drive aisle width.

The graphic below shows the proposed layout for the parking area. The red lines indicate where the site proposal does not meet the minimum 10 ft. bufferyard width. The red circles indicate two-way drive aisles of less than 25 ft. In addition, there are several non-compact car parking spaces that are less than 9 ft. x 19 ft. in dimension



The applicant is requesting variances for the following:

- 1) Variance to allow a 5 ft. buffer yard width along the Broad St. frontage aisle
- 2) Variance to allow varying buffer yard widths along the Church St. frontage ranging from 1 ft. to 5 ft.
- 3) Drive aisle width variances with aisle widths for two way traffic ranging from 17 ft. to 24 ft. in width instead of the required 25 ft. widths
- 4) Variance to allow 9 ft. x 18 ft. parking spaces instead of the required 9 ft. x 19 ft.

In order for the Board of Appeals to grant a variance from the Zoning Ordinance, the proposed variance request must meet all four-parts of a State mandated four-part test. When reviewing a variance request, the Board may not grant a variance that would do the following:

- Allow the establishment of a use not otherwise permitted in a zoning district;
- Extend physically a nonconforming use of land;
- Change zoning district boundaries shown on the Sumter City-County Official Zoning Map.

The fact that a property may be utilized more profitably should a variance be granted shall not be considered grounds for approving a variance request.

III. FOUR-PART TEST

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

The existing site was developed prior to the current ordinance, and is nonconforming as to the number of parking spaces and landscaping. Once combined, the six parcels create an irregularly shaped property with two street frontages making the parcel a de facto corner lot with an irregular shape.

Unlike other properties fronting on Church St., this particular development is an intense commercial use with significant parking demand. By Ordinance, the existing historic and significant trees, of which there are many, must be preserved and protected resulting in diminished developable area for parking.

2. These conditions do not generally apply to other property in the vicinity.

Although there are other commercial uses in the general area, Sumter Pediatrics is the most intense commercial use along the Church St. Corridor, and is the only commercial use in the vicinity with frontages on two arterial streets (Church St. and Broad St.). A majority of the properties in the vicinity of Sumter Pediatrics are either residential uses, or converted residential structures with off-street parking located to the rear of the structure. This is the only property that has been developed as a conventional commercial site.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The goal of this proposed project is to maximize parking availability while preserving historic and significant trees. In order to best protect the existing trees, creative site design has been employed to attain the highest number of parking spaces possible. This has resulted in compromises to traditional development standards related to buffer yard widths, parking space sizes and drive aisle widths. If minimal site development variances are not granted for this development, it could result in the loss of several historic and significant trees, in direct contradiction with the goals of the Hampton Park District as well as the Highway Corridor Protection District.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

Sumter Pediatrics is a long established viable commercial entity located at the heart of the community. This proposal will result in the entire site being upgraded with landscaping while providing an existing commercial use with the necessary resources needed to continue operating at this location. Based on the proposed plan, no existing residential uses will be impacted as all proposed variances are to the northern portion of the property which abuts established commercial uses. Granting the variances will not harm the

character of this district. Proposed landscaping upgrades to the site may in fact better integrate the Sumter Pediatrics Practice into the Church St. corridor.

V. STAFF RECOMMENDATION

Based on satisfying the Four-Part Test, Staff recommends approval of BOA-10-08.

VI. DRAFT MOTIONS for BOA-10-08

- A. I move that the Sumter Board of Appeals approve BOA-10-08, subject to the findings of fact and conclusions contained in the draft order dated March 1, 2010 attached as Exhibit 1
- B. I move that the Sumter Board of Appeals deny BOA-10-08 on the following findings of fact and conclusions:
- C. I move that the Sumter Board of Appeals enter an alternative motion for BOA- 10-08.

VI. ZONING BOARD OF APPEALS – March 10, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, March 10, 2010, voted to approve this request with the following contingencies:

- The parking space nearest the entrance on Church St. is eliminated for safety reasons (see A, attached diagram)
- All parking spaces that can be made standard (9'x19') are made so. Note: there may be spaces other than those shown in the diagram that require modification (see B, attached diagram)
- The buffer between spaces is closed to prevent access (see C, attached diagram)

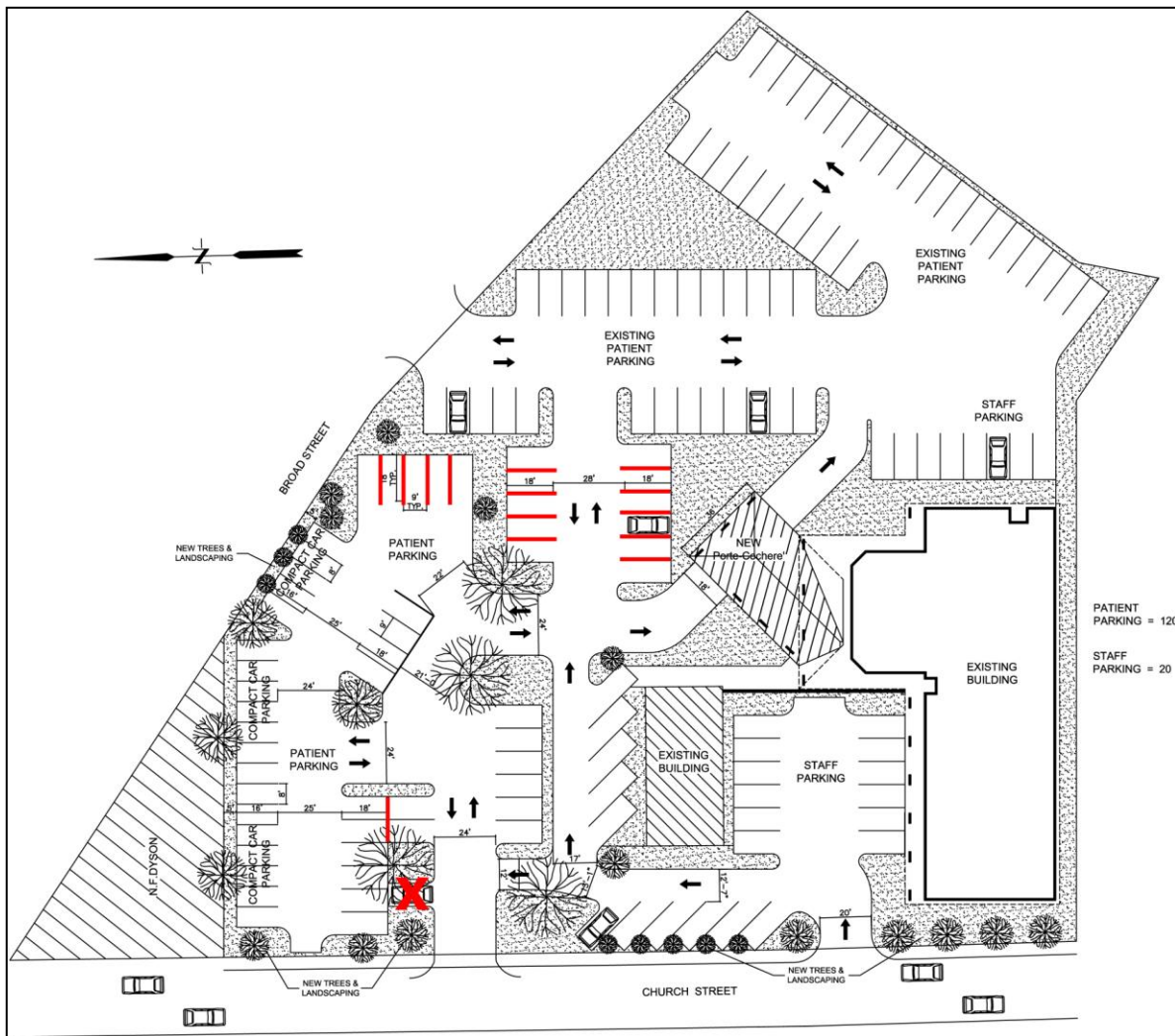


Exhibit 1

Order on Variance Application

Board of Zoning Appeals

BOA-10-08, John Jackson – Sumter Pediatrics
March 10, 2010

Date Filed: March 10, 2010

Permit Case No. BOA-10-08

The Board of Zoning Appeals held a public hearing on Wednesday, March 10, 2010 to consider the appeal of John Jackson, for Sumter Pediatrics, Sumter, SC for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The existing site was developed prior to the current ordinance and is nonconforming. Once combined, the six parcels create an irregularly shaped property with two street frontages making the parcel a de facto corner lot with an irregular shape. By Ordinance, the existing historic and significant trees, of which there are many, must be preserved and protected resulting in diminished developable area for parking.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

Sumter Pediatrics is the most intense commercial use along the Church St. Corridor, and is the only commercial use in the vicinity with frontages on two arterial streets (Church St. and Broad St.). A majority of the properties in the vicinity of Sumter Pediatrics are either residential uses, or converted residential structures with off-street parking located to the rear of the structure. In addition, this site is unique in that building placement and the location of historic and significant trees further constrain parking lot development/redevelopment option.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The proposed design maximizes parking availability while preserving historic and significant trees. In order to best protect the existing trees, creative site design has been

employed to protect the trees while yielding the highest number of parking spaces possible. This has resulted in compromises to traditional development standards related to buffer yard widths, parking space sizes and drive aisle widths. Without minimal variances to parking lot development standards historic and significant trees will be lost.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

This proposal will result in the entire site being upgraded with landscaping while providing an existing commercial use with the necessary resources needed to continue operating at this location. Based on the proposed plan, no existing residential uses will be impacted as all proposed variances are to the northern portion of the property which abuts established commercial uses. Granting the variances will not harm the character of this district.

5. The Board concludes that the effect of the variance ☐ **would** - ☒ **would not** be to allow the establishment of a use not otherwise permitted in the zoning district, based on Section 3.25.25 of the ordinance; ☐ **would** - ☒ **would not** extend physically a nonconforming use of the land; and ☐ **would** - ☒ **would not** change the zoning district boundaries shown on the official zoning map, based on the following findings of fact:

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**,
subject to the following conditions:

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.